



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Monica A. Hamer, et al. Examiner: Le, Hoa T.
Serial No. 10/090,337 Group Art Unit: 1773
Filed: March 4, 2002 Docket No. 496.022US2
Title: ORGANOGELE PARTICLES

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

- ☒ Form PTOL-85B (1pg), plus one copy
- ☒ Communication Re: Issue Fee Transmittal, with Authorization for Fees
- ☒ Copy of Notice of Allowance and Issue Fee Due, Notice of Allowability, Examiner's Amendment, and Determination of Patent Term Adjustment
- ☒ Transmittal Sheet
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers if an additional extension of time is deemed necessary by the Office. Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205, 3209 W. 76th St.
Edina, MN 55435 (952-832-9090)

By: *Mark A. Litman*
Atty: Mark A. Litman
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 15 September 2004

Mark A. Litman
Name

Mark A. Litman
Signature



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COMMUNICATION RE: ISSUE FEE TRANSMITTAL

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the "Notice of Allowance and Issue Fee Due", dated June 21, 2004, (see enclosed copy), we submit the signed Issue Fee Transmittal along with authorization to withdraw \$665.00 from Deposit Account No. 50-1391 for the issue fee, and \$300.00 for the publication fee.

Applicant assumes the application is now in proper order and in condition for issuance. Please direct any inquiries to the undersigned attorney at (952) 832-9090.

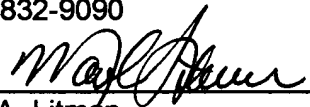
Respectfully submitted,

MONICA A. HAMER, et al.

By Their Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, Minnesota 55435
(952) 832-9090

Date: 15 September 2004

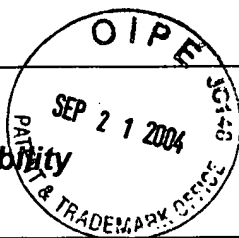
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Mark A. Litman
Name


Signature

Notice of Allowability



Application No.

10/090,337

Examiner

H. T. Le

Applicant(s)

HAMER ET AL.

Art Unit

1773

COPY

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed March 29, 2004.
2. ☒ The allowed claim(s) is/are 8-23.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

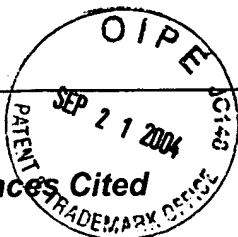
Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

H. T. Le
Primary Examiner
Art Unit: 1773

Notice of References Cited



Application/Control No.

10/090,337

Applicant(s)/Patent Under Reexamination
HAMER ET AL.

Examiner

H. T. Le

Art Unit

1773

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2,200,709	05-1940	ERNST TROMMSDORFF	524/560
	B	US-6,342,238	01-2002	Simonnet et al.	424/401
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Deaton, "Low Molecular Weight Bis-Urea Organogelators", February 21, 2002, pages 9-16.
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. The changes are necessary to correct minor typographic errors and thus do not affect the scope of the claimed invention. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In the specification:

Page 9, line 22, "The" (first occurrence) has been changed to - There --;

Page 10, last line, "fist" has been changed to - first --.

In the claims:

Claim 22, last line "solid the" has been deleted and replaced with - the solid --.

End of Amendment.

REASONS FOR ALLOWANCE


3. The following is an examiner's statement of reasons for allowance: The rejection to claim 8 and its dependent claims are hereby withdrawn. The method taught in the reference requires that the base (which contains oleophilic oil) be mixed with active ingredients before being dispersed into the gel containing a gelling agent and that the base and the gel are heated separately before the dispersion. In contrast, the claimed invention requires dispersion of the oleophilic oil in the gelling agent to form a mixture and then heating the mixture. Also, the stability of the beads (or so-called pearls) results from a homogeneous

blend of all substances including the gelling agent (thus agitation during dispersion is required), while the stability of the beads of the claimed invention relies on the intermix of the oil and the gelling agent in which the gelling agent provides support for the oil to remain in a particulate form.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. T. Le whose telephone number is 571-272-1511. The examiner can normally be reached on 10:00 a.m. to 6:30 p.m., Mondays to Friday.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



H. T. Le
Primary Examiner
Art Unit 1773